

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

DECISION AND ORDER
03-CR-167S

MARKEL CURRY, CURTIS VANCE and
DORIAN JENNINGS,

Defendants.

1. On May 24, 2006, the Honorable Hugh B. Scott, United States Magistrate Judge, filed a Report and Recommendation recommending that the portions of Defendants' omnibus motions filed on July 20 and July 26, 2005, requesting suppression of evidence be denied as to Defendant Vance and granted as to Defendant Jennings.¹

2. On July 13, 2006, the Government filed timely Objections to Judge Scott's Report and Recommendation as it pertains to Defendant Jennings in accordance with 28 U.S.C. § 636(b)(1)(C) and Local Rule 72.3(a)(3). Defendant Vance did not file Objections to the Report and Recommendation. After full briefing, this Court heard oral argument on the Government's Objections on August 23, 2006, and took the matter under advisement.

3. This Court has thoroughly reviewed *de novo* Judge Scott's Report and Recommendation, the Government's Objections thereto, and the applicable law. Upon due consideration, this Court finds no legal or factual error in Judge Scott's Report and Recommendation, and it concurs in his conclusions. Accordingly, the Government's Objections are denied and this Court will accept Judge Scott's Report and Recommendation in its entirety.

¹Defendant Curry did not join in the motions.

IT HEREBY IS ORDERED, that this Court accepts Judge Scott's Report and Recommendation (Docket No. 80) in its entirety, including the authorities cited and the reasons given therein.

FURTHER, that the Government's Objections (Docket No. 84) are DENIED.

FURTHER, that Defendants' requests to suppress evidence as contained in their omnibus motions (Docket Nos. 58 and 61) are GRANTED in part and DENIED in part consistent with Judge Scott's Report and Recommendation.

SO ORDERED.

Dated: September 25, 2006
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge